



Final Regulation Agency Background Document

Agency name	Virginia Department of State Police
Virginia Administrative Code (VAC) citation	19 VAC 30-190
Regulation title	19VAC30-190. Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits
Action title	19VAC30-70. Promulgate nonresident concealed handgun carry permit regulations (FINAL)
Date this document prepared	26 November 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The purpose of these regulations is to establish procedures for the application process, screening, and issuance of nonresident concealed handgun carry permits.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On November 9, 2007, the Virginia Department of State Police adopted final regulations for 19 VAC 30-190, Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits as required by 18.2-308(P1) of the Code of Virginia.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 18.2-308(P)(1) of the Code of Virginia requires the Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of these regulations is to implement §18.2-308(P1) and to provide agency guidance for the possessing and issuance of non-resident concealed handgun carry permits. The proposed amendments promote the public's health, safety, and welfare by ensuring that only qualified non-residents are issued permits.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The proposed regulations govern the application process, contents of the application package, the required form, acceptable methods of proving competence with a handgun, requirement for fingerprint cards, photograph requirements, proof of identification, fees, permit renewal, change of address procedures, issuance of replacement permits, permit revocation and appeal procedures.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*

3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

These regulations will have no impact on citizens of the Commonwealth and relate only to non-resident applicants for concealed handgun carry permits already authorized by statute. For the non-resident public these regulations will provide a uniform means of processing and issuing non-resident concealed handgun carry permits. For the Department the regulations formalize processes already proven effective and efficient in carrying out the duty imposed by § 18.2-308(P1) of the Code.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes made since publication.

Section number	Requirement at proposed stage	What has changed	Rationale for change

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

No comments were received.

Commenter	Comment	Agency response

Enter any other statement here

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
	19VAC30-190-10	None	Provides the purpose and authority for the regulations
	19VAC30-190-20	None	Explains how to apply for a permit – general information
	19VAC30-190-30	None	Describes contents of application package
	19VAC30-190-40	None	Sets forth the required application form and how it may be obtained
	19VAC30-190-50	None	Provides means of demonstrating the proof of competence required by the statute.
	19VAC30-190-60	None	Mandates the procedure for obtaining and submitting fingerprint cards.
	19VAC30-190-70	None	Sets forth requirements for photographs.
	19VAC30-190-80	None	Defines what is acceptable proof of identification
	19VAC30-190-90	None	Sets forth the application fee.
	19VAC30-190-100	None	Provides a procedure for renewal of permits.
	19VAC30-190-110	None	Requires notification when the permit holder changes address.
	19VAC30-190-120	None	Sets forth a procedure for replacement permits.
	19VAC30-190-130	None	Provides for permit revocation.
	19VAC30-190-140	None	Establishes an appeal process when a permit application is denied.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

These regulations were statutorily mandated and will impact out of state residents only. Businesses will not be impacted as they are not subject to these regulations.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No family impact. These regulations apply only to out of state residents.